

In the United States Court of Federal Claims

Nos. 18-1679C, 18-1758C, 18-1786C, 18-1813C, 18-1824C, 18-1852C, 18-1853C
(consolidated)

(Filed: December 13, 2018)

NAVIENT SOLUTIONS, LLC, *et al.*,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

ORDER

On December 12, 2018, Plaintiffs GC Services Limited Partnership (“GC Services”) and Account Control Technology, Inc. (“ACT”) filed a motion to supplement the administrative record (“AR”). Specifically, the parties request that this Court order the Defendant to supplement the AR with three categories of documents relating to Plaintiffs’ allegations:

1. All documents and communications relating to the Department of Education’s (“ED’s”) decision to include default collection services under the Next Gen Phase II RFP for Business Process Operations as referenced in the Agency’s October 5, 2018 letter to counsel for Continental Service Group, Inc.
2. All documents and communications relating to the scope of default collection services to be included under the NextGen Phase II RFP for Business Process Operations.
3. All documents and communications relating to ED’s consideration of options in connection with Request for Proposals No. ED-FSA-16-R-0009 (“the default collection services RFP”) following the permanent injunction issued by the Court of Federal Claims on September 14, 2018, including documents

relating to the “broad-based review” of the procurement, the solicitation, and the program referenced in the October 31, 2018 FedBizOpps notice and any documents relating to another cancellation of the default collection services RFP or the evaluation of offerors’ proposals.

The Court finds that excluding these documents from the AR would preclude effective judicial review. Therefore, for good cause shown, Plaintiffs’ motion is GRANTED. Defendant is ordered to supplement the AR with the documents referenced here.

Furthermore, because Plaintiffs’ Motions for Judgment on the Administrative Record are due on December 21, 2018, the Court orders Defendant to produce these documents on or before December 17, 2018. The Court notes that Defendant would not need to produce these documents if the agency decides to take corrective action to address all of Plaintiffs’ protest grounds when the Government’s voluntary stay expires on December 14, 2018.

IT IS SO ORDERED.

s/ Thomas C. Wheeler
THOMAS C. WHEELER
Judge